

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

CONNIE L. WITHEROW,
Plaintiff,

-vs

**COMMISSIONER OF
SOCIAL SECURITY**

Case No. 3:07-cv-218
District Judge Thomas M. Rose
Chief Magistrate Judge Michael R.
Merz

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #12), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on April 8, 2008, hereby ADOPTS said Report and Recommendations.

Accordingly, the Court REVERSES Commissioner's Decision that Plaintiff is not disabled and REMANDS this matter to the Commissioner for the payment of benefits consistent with the Act. The Clerk shall enter judgment accordingly.

s/THOMAS M. ROSE

April 10, 2008.

Thomas M. Rose
United States District Judge